

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

REPORT ON THE
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

APRIL 2002

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LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, April 2002

The PRESIDENT

The White House

DEAR MR. PRESIDENT: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on the Democratic People's Republic of Korea, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss this Report, and the policy recommendations the Commission makes in it, with you.

Sincerely,

MICHAEL K. YOUNG
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, April 2002

Hon. COLIN POWELL

Secretary of State

Department of State

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Enclosure

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Executive Summary

The people of the Democratic People's Republic of Korea (North Korea or DPRK) are perhaps the least free on earth, barely surviving under a totalitarian regime that denies basic human dignity and lets them starve while pursuing military might and weapons of mass destruction. By all accounts, there are no personal freedoms of any kind in North Korea, and no protection for human rights. Religious freedom does not exist, and what little religious activity that is permitted by the government is apparently staged for foreign visitors.

North Korea is also a humanitarian disaster of unimaginable proportions. Failed economic policies and natural disasters have reportedly left 1 million or more North Koreans dead from starvation and disease in the last 10 years, and there may be countless millions more, particularly children, who are stunted in both their mental and physical growth. As awful as the physical toll has been, the deprivation of the human spirit must be even greater. Just how bad the situation is in North Korea is not known, as the ruling regime maintains strict control over communication media and the flow of information into and out of the country.

The following recommendations are the result of the Commission's extensive attention to the situation in North Korea, including through the holding of a public hearing in January 2002. The recommendations are grouped together according to three essential areas of focus. The first group of recommendations looks to initiatives on the part of various branches of the U.S. government to develop and/or support American and international efforts against human rights violations in North Korea. The second group addresses the issue of North Korean refugees, particularly those who have fled to China. Finally, the third group of recommendations focuses on the ways in which human rights in North Korea can be advanced through official contacts between the U.S. and North Korean governments.

Recommendations

I. International Initiative Against Human Rights Abuses in North Korea

- 1. The U.S. Congress should fund an objective and comprehensive study of human rights conditions in North Korea by a non-governmental source.**
- 2. The State Department should expand both its capability to obtain information and reporting on human rights violations in North Korea.**
- 3. The President should continue to speak out personally on the humanitarian situation in North Korea and the lack of freedom and protection of human rights there.**
- 4. The U.S. Congress should establish a congressional caucus to focus on human rights in North Korea.**

5. The U.S. Congress should expand its funding for (a) organizations advocating the protection of human rights in North Korea and (b) activities that raise the awareness of human rights conditions in that country.

6. The U.S. government should develop and support ways to provide information to the people of North Korea, particularly on religious freedom and other human rights issues. This includes expanding or developing:

-- broadcasts that target a North Korean audience by the Voice of America and Radio Free Asia; and

-- channels of people-to-people exchange and other forms of contact with North Koreans.

7. The U.S. government should use multilateral diplomacy to advance the protection of human rights in North Korea. This should include:

7.a. raising human rights violations in North Korea in appropriate international fora, and encouraging others to do so as well. The United States should sponsor a resolution at the United Nations condemning religious freedom and other related human rights violations in North Korea and calling for the appointment of a UN special rapporteur to investigate the situation in North Korea.

7.b. urging the Republic of Korea and Japan, as part of the trilateral coordination among the United States and those two countries, to press for improvements on religious freedom and other human rights in their talks with the DPRK.

7.c. urging the European Union to include religious-freedom concerns as part of its human rights discussions with the North Korean government.

II. Protecting North Korean Refugees and Advancing Human Rights

8. The U.S. government should urge China, Russia, and other members of the international community to grant refugee status to North Koreans.

9. The U.S. government should urge the Chinese government to allow South Korean and international non-governmental organizations (NGOs) greater access to northern China and greater capacity to serve the needs of North Korean refugees.

III. Advancing Human Rights Through Official Contacts

10. Although the U.S. government has very limited contacts with the North Korean government at the present time, it should use what contacts it does

have to advance an agenda that includes the provision of humanitarian assistance, the protection of human rights, including the freedom of religion and belief, and the reuniting of Korean Americans with their family members in the DPRK.

10.a. In any discussions regarding humanitarian assistance, the U.S. government should urge the North Korean government to allow considerable expansion of both the amount of assistance and the number of providers, which should include nongovernmental organizations.

10.b. With all humanitarian assistance to North Korea, the U.S. government should work to ensure that the delivery of such aid is adequately monitored. Monitors should be able to read, speak, and understand the Korean language. The U.S. should ensure that delivery of U.S. and other foreign aid is not misrepresented by the North Korean government through false claims that the aid is being provided by that government.

11. The U.S. government should work with the international community to urge the North Korean government to permit monitoring of human rights conditions by UN human rights mechanisms, and to lift restrictions on the freedom of movement by foreign diplomats, independent journalists, and others.

12. The U.S. government should work with the international community to urge the North Korean government to address the concerns and implement the recommendations of the UN Human Rights Committee as a result of the Committee's recent review of North Korea's compliance with the International Covenant on Civil and Political Rights (ICCPR).

13. The U.S. government should ensure that any permanent peace treaty between the parties to the Korean War includes provisions on religious freedom and non-discrimination in the treatment of religious minorities.

A. Introduction

The people of the Democratic People's Republic of Korea (North Korea or DPRK) are perhaps the least free on earth, barely surviving under a totalitarian regime that denies basic human dignity and lets them starve while pursuing military might and weapons of mass destruction. By all accounts, there are no personal freedoms of any kind in North Korea, and no protection for human rights. Religious freedom does not exist, and what little religious activity that is permitted by the government is apparently staged for foreign visitors.

North Korea is also a humanitarian disaster of unimaginable proportions. Failed economic policies and natural disasters have reportedly left 1 million or more North Koreans dead from starvation and disease in the last 10 years, and there may be countless millions more, particularly children, who are stunted in both their mental and physical growth. As awful as the physical toll has been, the deprivation of the human spirit must be even greater. Just how bad the situation is in North Korea is not known, as the ruling regime maintains strict control over communication media and the flow of information into and out of the country.

Notwithstanding the efforts of many who are devoted to helping North Koreans, the international community, including the United States, has paid insufficient attention to the plight of the North Korean people. This lack of attention has effectively given a "pass" to the ruling regime as it flagrantly violates human rights and brutalizes its population. U.S. interests with respect to North Korea extend beyond the human rights and humanitarian situation, and include concerns about the development of nuclear capability and weapons of mass destruction, proliferation of missile technology, and the large DPRK military. Because relations with North Korea are so limited at the moment, there are very few channels for discussion of any of these issues with the North Korean government. Nevertheless, the U.S. government should not wait for discussions to resume before it takes actions to address the terrible conditions facing the North Korean people. It should do all it can now to bring international awareness to conditions inside North Korea and to try to alleviate the plight of North Koreans, including refugees. At such time when dialogue with North Korea resumes, the United States should press for improvements in the delivery and monitoring of humanitarian aid, as well as for monitoring human rights abuses.

The Commission has focused considerable attention on the situation in North Korea. In January 2002, the Commission held a public hearing in Washington and heard testimony on the situation in North Korea and U.S. policy from witnesses of the human rights conditions in the DPRK, experts on the general state of affairs in North Korea, and advocates for human rights in that country. The Commission has also had extensive consultations with experts on U.S. policy, including former senior U.S. officials. The Commission's Chair and staff have traveled to both South Korea and Japan and interviewed those with first-hand knowledge of conditions inside North Korea, including North Korean refugees. The Commission made several policy recommendations to President Clinton in December 2000, and this report updates and expands on those recommendations in light of the significant changes in U.S.-North Korean relations that have taken place since that time.

B. Human Rights Conditions

Reports by refugees and foreigners who have visited North Korea have described the DPRK as having perhaps the most repressive regime in the world. Its totalitarian nature requires citizens to conform to comprehensive government dictates. By all accounts, there are no personal freedoms of any kind in North Korea, and no protection for human rights. As stated by one human rights advocate: “For over 40 years the people of the Democratic People’s Republic of Korea have been denied even the most basic of their human rights.... Human rights violations and abuses affect a large majority of the 23 million North Korean people.”¹

The Korean Workers’ Party (KWP), under the leadership of Kim Jong Il, continues to exercise absolute rule over the DPRK. This is in accordance with Article 11 of North Korea’s revised 1998 Constitution, which states: “The DPRK shall conduct all activities under the leadership of the Workers’ Party of Korea.”² The North Korean Constitution also requires citizens to recognize and accept the notion that the collective good of society should take precedence over individual political or civil liberties.³ Citizens of all age groups and occupations are subject to intensive political and ideological indoctrination, and the cult of personality surrounding the deceased former North Korean leader Kim Il Sung and his son Kim Jong Il, as well as the glorification of the official *Juché* ideology (see below), remains omnipresent.⁴ The government prohibits any public meetings without authorization and, according to the State Department, there are no known organizations other than those created by the government.⁵ Not surprisingly, as the UN Human Rights Committee notes, there is no domestic organization that monitors human rights conditions in the country.⁶

The government attempts to control all dissemination of information. Domestic media censorship is strictly enforced; only the political elite is permitted access to foreign media broadcasts.⁷ Government control of access to outside information is so extensive that even private telephone lines operate on an internal system that prevents one from making and receiving calls from outside the country and Internet access in the country is limited to government officials.⁸ Visits by foreign journalists are carefully managed and, as the State Department reports: “North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions there.”⁹

Similarly, the State Department also reports that foreign aid workers are frequently denied access to sites where international food aid is distributed, “and thus are unable to verify consistently that the aid reaches its intended recipients.”¹⁰ However, many South Korean and some U.S. humanitarian assistance groups contend that the level of access allowed by the North Korean authorities has improved over the years.¹¹

It is clear that the government does not tolerate dissent. Individuals have reportedly been imprisoned and executed for making statements (even in the “privacy” of their homes) that were critical of the regime.¹² The State Department reports that between 150,000 and 200,000 persons are detained by the DPRK regime for political reasons and on many occasions, their family members are forcibly detained or imprisoned with them in maximum-security camps in remote areas.¹³ The North Korean criminal code also provides that a citizen who returns (forcibly or voluntarily) after defecting “to a foreign country or to the enemy in betrayal of the country and

the people” shall be “committed to a reform institution for not less than seven years.”¹⁴ In some cases, the death penalty is applied. Family members of defectors and refugees have also reportedly been subject to official retaliation. According to Human Rights Without Frontiers, a Belgian human rights monitoring organization, even babies born to repatriated women imprisoned in the camps have been put to death because their mothers were deemed enemies of the North Korean state.¹⁵ In addition, according to North Korean refugees, prison officials subject detainees and prisoners to egregious abuses, as government officials manage the prison camps through the use of forced labor, beatings, torture, and even public executions. Many other prisoners have reportedly died from disease, starvation, or exposure while in prison.

The government’s practice of arbitrary arrest and detention of persons has sometimes extended even to South Korean and other foreign citizens operating outside North Korea, particularly in the Chinese territories bordering the DPRK. According to the State Department, North Korean agents reportedly abducted Rev. Dongshik Kim, a South Korean citizen, in China and took him to North Korea in January 2000.¹⁶ Rev. Seung-woon An, a South Korean missionary, was apparently also abducted by North Korean agents in China in 1995.¹⁷

C. Humanitarian Situation and Refugees in China

In addition to the deplorable human rights conditions in the DPRK, the economic crisis in the country has shown little sign of abating. It is estimated that between several hundred thousand and 2 million people have died from starvation and related diseases since 1995. The economic and political conditions have caused thousands of North Koreans to flee their homes.¹⁸ Most of these people have fled to China, leaving as many as 300,000 North Korean refugees along the Chinese border.

The refugees experience numerous difficulties after arriving in China, particularly from that government’s current crackdown on their presence. The Chinese government’s reaction has forced the refugees to remain in hiding and many have been exploited and abused as a result. For example, many North Korean refugees employed in local Chinese factories are reportedly paid only a fraction of the salary of ordinary Chinese workers, while others are compensated only with accommodation and food.¹⁹ Young North Korean female refugees are often the victims of human trafficking, forced prostitution, and rape.²⁰ Many North Korean children who fled to China unaccompanied by adults have reportedly been wandering in the three Chinese provinces adjacent to North Korea (Jilin, Heilongjiang, and Liaoning) without shelter and vulnerable to disease and physical violence.²¹

The current Chinese crackdown on North Korean refugees began in June 2001 as part of the latest round of the nationwide anti-crime “Strike Hard” campaign. Some also suspect that the crackdown is associated with the increased international media coverage about the plight of the North Korean refugees in China.²² According to a researcher who has conducted surveys of North Korean refugees along the Chinese border, those who are found to have assisted North Korean refugees are fined by Chinese officials, while those who turn in refugees receive monetary rewards. In January 2002, a group of North Korean refugees who were able to reach the China-Vietnam border reportedly paid \$10,000 to Chinese border guards so that they could enter Vietnam.²³

As mentioned above, North Korean refugees who are either forcibly repatriated or captured after having voluntarily returned to the DPRK are accused of treason or the abandonment of their country and countrymen in the midst of hardship.²⁴ Some reports indicate that North Korean officials routinely question (forcibly and voluntarily) repatriated North Koreans whether they had contact with either South Koreans or Christian missionaries while outside the country. Those who are found to have had such contacts are subjected to severe punishment, including the death penalty.²⁵ According to the U.S. Committee for Refugees, 6,000 North Korean refugees were forcibly repatriated from China to the DPRK in 2000.²⁶

D. Religious-Freedom Conditions

Buddhism was introduced to Korea around the fourth century, A.D. However, for several centuries thereafter, the state adopted Confucianism as its official ideology and religion.²⁷ As a result, religions and beliefs that came into conflict with Confucianism encountered official opposition and their followers experienced persecution. The first Christian missionary, a Roman Catholic, arrived in Korea in the late 18th century. The Korean government prohibited the propagation of the Christian religion, however, and in the mid-19th century, harshly persecuted Christians until the country was opened to the western world in the 1880s.²⁸ Arriving in Korea at this time were American Protestant missionaries who generally experienced less persecution, as the U.S. government had established diplomatic relations with Korea before their arrival.²⁹ By 1948, one-sixth of the 300,000 Koreans in Pyongyang were Christian, a remarkably large percentage for an Asian country at that time, particularly one that had not been colonized by a western power. Pyongyang was the center of Christianity on the Korean Peninsula. The rituals of ancestor veneration linked to Confucianism remained a very important form of religious life.³⁰

Between 1945, when what is now North Korea was occupied by Soviet forces, and 1953, the year of the Armistice ending the Korean War, many Christians fled to South Korea to escape the anti-religious policies of the North Korean government. After the war, religious practice as such was harshly repressed by the North Korean government, and large numbers of religiously active persons were killed or sent to concentration camps.³¹ Buddhism, which had weakened over the centuries, was co-opted by the government and some of its temples maintained as “national treasures.”³² At the same time that the government suppressed religions, it instituted the state ideology of *Juché* in the 1950s. Playing a paramount role in North Korean political life, the *Juché* ideology emphasizes, among other things, an extreme form of self-reliance of the North Korean people – bordering on isolationist – and the worship of Kim Il-Sung, the country’s founder.³³ Another of its central tenets is a stridently hostile view of the outside world.

In recent years, the North Korean state has formed several religious organizations that it uses to restrict severely religious activities, although the government contends that they are proof of religious freedom in the country. For example, the Korean Buddhist Federation prohibits Buddhist monks from worshipping at North Korean temples, and the Korean Christian Federation restricts Christian activities. The native Korean religion or philosophy of *Chondogyo* is represented in the DPRK as an “independent” political party that is loyal to the state.³⁴ The DPRK government continues to view Christianity as a foreign religion and is extremely concerned about the growing Christian community in North Korea. There are no currently ordained Catholic priests in the country. In addition, Buddhists have no functioning clergy and their buildings are now deemed to be “cultural relics.”

The North Korean government has a policy of actively discriminating against religious adherents. Since the late 1950s, the regime has divided the North Korean people into three main categories, which are further divided into 51 subcategories based on perceived loyalty to the ruling party and the leadership.³⁵ Security “ratings” are assigned to each individual and these ratings determine a person’s access to employment, higher education, a place of residence, medical facilities, and certain stores. Religious adherents are by definition relegated to a lower security category, and as a result receive fewer privileges and opportunities than others. For example, there are reports that persons in lower categories have been denied international food aid.

Since the founding of the DPRK, 2,000 churches have reportedly been confiscated by the government. Of the 1,500 churches not formally confiscated, it is not clear whether any of them actually house religious activities.³⁶ Most outside observers agree that the two Protestant churches and the one Catholic Church currently in Pyongyang were built as showpieces to foreign visitors, although some North Koreans who attend services at these churches might be genuine believers. The DPRK government also claims that there are 500 “authorized house churches” in the country.³⁷ Moreover, though the State Department reports that there are 300 Buddhist temples throughout North Korea, other reports indicate that only 60 temples remain standing, as most have been destroyed since the Korean War. At the same time, the state has confiscated many temples and converted them for secular use.

The North Korean state severely represses public and private religious activities, including arresting and imprisoning – and in some cases torturing and executing – persons engaged in such activities.³⁸ The Commission has also received reports that North Koreans who engage in religious proselytizing or other unauthorized religious activities have been arrested and imprisoned, despite the DPRK government’s claims that its citizens have the right to “have or refuse to have religious ceremonies individually or collectively in an open or closed way” and “to teach religion.”³⁹ In addition, the State Department reports that in recent years, the regime has paid particular attention in its crackdown to those religious persons with ties to overseas evangelical groups operating across the border in China.⁴⁰

According to a press report, an estimated 6,000 Christians are incarcerated in “Prison No. 15” located in the northern part of the country.⁴¹ The State Department, as well as eyewitnesses who have testified before Congress and the Commission, report that prisoners held because of their religious beliefs are treated worse than other inmates.⁴² For example, religious prisoners, especially Christians, are reportedly given the most dangerous tasks while in prison. In addition, they are subject to constant abuse from prison officials in an effort to force them to renounce their faith.⁴³ When they refuse, these religious prisoners are often beaten and sometimes tortured to death.

In spite of these conditions, some observers indicate that religious adherence not only continues among the North Korean people but is expanding, especially adherence to Christianity.⁴⁴ The number of religious believers is unknown; the State Department reports the official government figures that out of a population of 21 million, there are approximately 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics in the DPRK.⁴⁵ However, some South Korean church leaders claim that there may be as many as 300,000 Christians in North Korea, many of whom became Christians after interacting directly with Christian representatives of non-

governmental organizations (NGOs) along the Chinese border or through interactions with those who have been to the border.⁴⁶ There are also confirmed reports that some older North Koreans who were religious believers prior to the division of the Korean Peninsula have retained their faith in secrecy over the years.⁴⁷ In addition, there is also apparently a functioning underground church network in North Korea.⁴⁸ The actual number of active Buddhists or followers of Confucianism is not known.

E. Commission Recommendations

In recent years, an increasing number of foreign government officials, journalists, and representatives of NGOs have visited the DPRK and presented their observations about conditions in that country. At the same time, thousands of North Korean refugees have left the country and carried with them valuable personal accounts. However, the highly totalitarian state in North Korea still maintains such tight control over all aspects of state and society that garnering verifiable information about conditions in that country, as well as how the regime operates, remains very difficult. This problem greatly complicates the process of determining specific problem areas and, consequently, the kind of well-calibrated solutions that are needed.

In light of the current situation, the U.S. government should employ all possible means to obtain verifiable information about conditions in North Korea and make that information publicly known. In addition, everything possible should be done to establish contact with the North Korean people and to provide them with access to information about the outside world.

Unfortunately, the current state of U.S.-North Korean relations provides few opportunities for influence. Moreover, the DPRK government's state ideology (which emphasizes self-reliance), its entrenched methods of repression, and the official willingness to let their people suffer also leave the international community with little leverage to encourage necessary changes by the regime. Thus, any opening at all to the outside world by the North Korean government might help to bring about some improvement.

The U.S. should also make every effort to encourage the DPRK government to maintain its currently limited contacts with the outside world and to open the country to individuals, organizations, and governments concerned about the plight of the North Korean people and who want to help. At the same time, the U.S. government should, in its dialogue with the DPRK on any issues of concern, also press the North Korean government to allow foreign human rights monitors and humanitarian agencies access to all parts of the country.

I. International Initiative Against Human Rights Abuses in North Korea

The U.S. government should launch a major international initiative to expose and raise awareness of human rights abuses and humanitarian conditions in North Korea. The U.S. government can and should do more to bring to the attention of the international community the conditions of human rights in North Korea. Although the North Korean government tries to maintain absolute control over information about conditions in that country, over time, a picture of repression has begun to emerge such that it is unconscionable to remain silent. The U.S. government should take every opportunity to engage the world community on the state of human

rights and humanitarian conditions in North Korea. Such an initiative should include the following:

1. The U.S. Congress should fund an objective and comprehensive study of human rights conditions in North Korea by a non-governmental source.

Though still limited, an increasing amount of information about conditions in North Korea has become available in recent years. Today, there are numerous foreign governments, NGOs, and individual researchers conducting research on the political, economic, and social conditions in that country. Yet, there has not been an effort to consolidate these findings and present them in a comprehensive form. While some governments, including the U.S. and South Korean governments, have produced annual reports on the human rights conditions in North Korea, these studies, due in part to their statutory mandates and established guidelines, are either not sufficiently comprehensive to address the fundamental problems underlying the human rights conditions or are hampered in their objectivity by the political considerations of the respective authors. The Commission is fully aware of these difficulties, as it too has made extensive efforts to obtain information on conditions for religious freedom in North Korea.

In light of reports about the deteriorating human rights and humanitarian conditions in the DPRK, it is vital that a comprehensive study of human rights conditions in North Korea be conducted now. The potential scale of the study would require adequate funding and the U.S. Congress should take the lead in this effort. To ensure the objective nature of the study, an individual or a team of researchers not affiliated with any government but with expertise in North Korean affairs and international human rights standards should be commissioned to undertake the project. Such a study should make extensive use of, among others, interviews with North Korean refugees as important sources of information.

2. The State Department should expand both its capability to obtain information and reporting on human rights violations in North Korea.

In addition to the non-governmental study recommended above, the State Department should expand its capability to collect information and monitor conditions on human rights in North Korea. Moreover, the Department should undertake a systematic effort to review a wide variety of sources of information on North Korea, including North Koreans who have fled their country and are now residing either in the border region in China or elsewhere. The State Department should also explore other potential sources of information, including officials from countries that have a diplomatic presence in North Korea as well as organizations or individuals who either possess first-hand knowledge or are working on the Chinese side of the Sino-DPRK border but are reluctant to speak out publicly about what they have observed.

The Commission is aware of the difficulties in gathering and especially verifying information on North Korea. However, a concentrated effort, including on the part of the U.S. government, can overcome at least some of these difficulties. As a critical part of the endeavor to collect such information, the U.S. government should expand its effort to verify information from sources with questionable political motives. After having gathered, analyzed, and verified the information, the U.S. government should ensure that its findings are made known to the international community. It should also make a special effort to raise international awareness of

the plight of the North Korean people through such international events as the Soccer World Cup in South Korea and Japan in June 2002.

3. The President should continue to speak out personally on the humanitarian situation in North Korea and the lack of freedom and protection of human rights there.

The President has spoken out on the situation in North Korea, and his remarks have attracted public attention and led to greater awareness about conditions in that country. The President should continue to raise the matter and take the lead on behalf of the U.S. government in raising public awareness and focusing international attention on the conditions under which North Koreans live. As the head of the U.S. government, the President is in a unique position to speak out forcefully about this issue. Moreover, the media attention that his statements bring can continue to keep North Korea under public scrutiny, bolstering U.S. and international efforts to address the appalling conditions in that country. In any remarks made about North Korea, the President should be sure to mention the humanitarian and human rights situation there. He should also use every available opportunity to raise the subject, including, for example, in his address to the UN General Assembly.

4. The U.S. Congress should establish a congressional caucus to focus on human rights in North Korea.

The serious nature of the human rights conditions in the DPRK warrants more consistent scrutiny and attention. The formation of a congressional caucus focusing on North Korean human rights would be a major step toward fulfilling this objective. The caucus should be modeled after existing congressional caucuses, such as the Congressional Bangladesh Caucus and the Congressional Caucus on Nigeria. However, the caucus on North Korea should also be connected with like-minded parliamentarians around the world, such as the existing multinational parliamentary network on human rights in Burma under the auspices of the Inter-Parliamentary Union.⁴⁹

Efforts to raise public awareness of human rights conditions in North Korea are critically needed. Congressional public hearings and legislation play a significant role in educating the public, highlighting problems, and holding government leaders accountable. However, the establishment of a congressional caucus focused on North Korea would expand existing congressional endeavors. The caucus could coordinate congressional efforts, spearheading initiatives to effect important changes in North Korea. For example, the caucus could:

1. hold hearings spotlighting the conditions in North Korea (this commission has benefited in its study of North Korea from witnesses who have first-hand knowledge such as Dr. Norbert Vollertsen and Mrs. Soon-Ok Lee⁵⁰);

2. examine regularly U.S. policy options to promote human rights in the DPRK;

3. monitor congressional legislation on North Korea and propose additional legislation to advance human rights in the DPRK, including by pressing the North Korean government to undertake substantial improvements in protecting human rights;

4. explore how the U.S. can cooperate with other governments in advancing the protection of human rights in the DPRK; and

5. work with the Commission in formulating and executing policies to promote human rights in North Korea, including support for much-needed comprehensive studies on such human rights-related issues in North Korea as the DPRK legal system, the North Korean prison system, and the DPRK government's control over religious belief and practice.

5. The U.S. Congress should expand its funding for (a) organizations advocating the protection of human rights in North Korea and (b) activities that raise the awareness of human rights conditions in that country.

The U.S. Congress should seek opportunities to expand its support for appropriate organizations promoting human rights in North Korea, as well as activities that raise international awareness and provide opportunities for consultation and coordination among those who are concerned about the issue. For example, the U.S. government – through the National Endowment for Democracy (NED) – has for the last several years provided funding to NGOs in South Korea attempting to document human rights abuses in North Korea. The NED has also sponsored annual international conferences on human rights in North Korea and on the problems for North Korean refugees.

As noted above, collecting and verifying information on human rights abuses in North Korea is difficult, and resources need to be devoted to developing ways to accomplish this. The involvement of NGOs is important to raising awareness in international human rights fora, among their governments, and among civil society groups in the region and internationally. Given the importance of maintaining the independence of these organizations, groups should be carefully selected and U.S. government support should be carried out in a way that ensures that these groups are not tied to any government, particularly intelligence services.

6. The U.S. government should develop and support ways to provide information to the people of North Korea, particularly on religious freedom and other human rights issues. This includes expanding or developing:

-- broadcasts that target a North Korean audience by the Voice of America and Radio Free Asia; and

-- channels of people-to-people exchange and other forms of contact with North Koreans.

Getting objective information to the North Korean people is very difficult and requires both ingenuity and a sustained investment of time and resources. The results, at least in the short term, may be uncertain. Nevertheless, probably no people on earth have been left more in the dark by their government. The U.S. government should increase its efforts to get information to North Koreans about the outside world, including about the United States, democracy, and human rights. Getting information into the country is critical to helping North Koreans see themselves and the regime that controls their lives in the context of the wider world, which will help increase awareness of the existence and importance of religious freedom and other human rights. How many North Koreans, for instance, know that their government has undertaken

international obligations to protect and ensure basic human rights under the International Covenant on Civil and Political Rights, or what the nature and scope of those rights are and how they are protected in other countries?

One concrete way to do this is to increase broadcasting to North Koreans by the Voice of America (VOA) and Radio Free Asia (RFA) and make technical efforts to overcome the jamming of those broadcasts. The U.S. government should expand broadcasts to North Koreans, focusing on programs that would provide information on the political, economic, and social conditions in the U.S. and North Korea, including on religious liberty and other human rights issues.⁵¹

Moreover, the U.S. government should, wherever possible, encourage or develop channels of exchange and contact with North Koreans. Although opportunities for official exchange programs for North Koreans might be limited by the current state of U.S.-North Korean relations, the U.S. government should seek opportunities to encourage exchanges and other forms of contact by the private sector, or through programs by other countries that do currently have diplomatic relations with North Korea. In accordance with provisions in the International Religious Freedom Act of 1998, government officials who are “responsible for or directly carried out” particularly severe violations of religious freedom should not be eligible to participate in these exchange programs.⁵²

7. The U.S. government should use multilateral diplomacy to advance the protection of human rights in North Korea. This should include:

7.a. raising human rights violations in North Korea in appropriate international fora, and encouraging others to do so as well. The United States should sponsor a resolution at the United Nations condemning religious-freedom and other related human rights violations in North Korea, and calling for the appointment of a UN special rapporteur to investigate the situation in North Korea.

Given the lack of substantive official interactions between the U.S. and North Korean governments reflecting the state of their bilateral relationship, it is important for the U.S. government to coordinate its efforts with other countries to advance the protection of human rights in North Korea. In conjunction with the use of multilateral diplomacy, the U.S. government should also raise human rights violations in the DPRK in international fora such as the United Nations. There have been no UN Security Council resolutions on the DPRK in the last 10 years. The U.S. government should sponsor a resolution at the United Nations censuring the North Korean government for violating religious freedom and other related human rights. The same resolution should also provide for the appointment of a special rapporteur to investigate conditions of human rights in North Korea.

7.b. urging the Republic of Korea and Japan, as part of the trilateral coordination among the United States and those two countries, to press for improvements on religious freedom and other human rights in their talks with the DPRK.

The Trilateral Coordination and Oversight Group (TCOG) was created in April 1999 to facilitate greater policy coordination between the United States, Japan, and South Korea on North Korea policy. After the Trilateral Foreign Ministers' Meeting that followed her visit to Pyongyang in October 2000, former Secretary of State Madeleine Albright remarked that it was essential that the three countries carry on the discussions with North Korea "in parallel, and that we reinforce each other in terms of making sure that each country's special concerns are met."⁵³ Regular TCOG meetings have continued under the Bush administration, although direct dialogue with North Korea has been very limited. One special concern with respect to North Korea for the trilateral group is the "abductee" issue (i.e. Japanese claims that between the late 1970s and early 1980s, North Korean agents abducted as many as 20 civilians from Japan). Former Secretary Albright stated that she raised this issue with DPRK officials during her October 2000 visit. Likewise, the United States should urge the Republic of Korea and Japan, as part of their trilateral coordination, to raise concerns about religious freedom and other human rights and to press for improvements in these areas as part of their talks with the DPRK.

7.c. urging the European Union (EU) to include religious freedom concerns as part of its human rights discussions with the North Korean government.

Several European countries have normalized relations and established a diplomatic presence in Pyongyang since June 2000. Since 1998, the EU has held four rounds of political dialogue with the DPRK at the level of senior officials. EU officials have said that they raised human rights issues with the North Koreans in these talks. The EU is also discussing the establishment of a specific human rights dialogue, although little progress appears to have been made so far. The U.S. government should provide information on the conditions of religious freedom and other human rights in North Korea to the Europeans and should urge them to raise religious-freedom concerns as part of their human rights discussions with the DPRK.

II. Protecting North Korean Refugees and Advancing Human Rights

8. The U.S. government should urge China, Russia, and other members of the international community to grant refugee status to North Koreans.

China is a party to both the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol to that convention. Under these treaties, China has agreed not to expel or return refugees to a country where their life or freedom would be threatened on account of their religion or other status. The 1967 Protocol calls on China to cooperate with the UN High Commissioner for Refugees (UNHCR).

Between 30,000 and 300,000 North Koreans are now in China. Most have fled to escape the dire economic and political conditions in North Korea, including the denial of religious freedom and all other basic human rights in that country. Since 2000, however, many North Koreans who fled to China have been forcibly repatriated by the Chinese government.⁵⁴ As mentioned above, there are several reports indicating that those who returned to North Korea, voluntarily or otherwise, have been subjected to harsh and sometimes lethal treatment upon capture by North Korean authorities. Even those who fled for economic reasons are reportedly subject to serious punishment for political crimes upon their return. The Chinese government

does not grant refugee status to fleeing North Koreans, even though most, if not all, meet the international criteria for that status.

In addition, the Chinese government does not allow the UNHCR to operate in the border region between China and North Korea, thereby preventing that organization from interviewing those crossing the border and assessing their status as refugees. However, in the last three years, the UNHCR was able to conduct at least some interviews and found that many of these border-crossers met the criteria as refugees under international conventions.⁵⁵ If a refugee makes it to their office, he or she can be helped (which does happen on occasion). The UNHCR is also trying to work with the NGOs operating in the border region. In March 2002, after 25 North Korean refugees entered the Spanish Embassy seeking asylum, a UNHCR spokesman stated, "Under no circumstances should these people be sent back."⁵⁶ The South Korean government, as an indication of its willingness to assist DPRK refugees, has also announced officially that it would accept all North Koreans who wish to settle in South Korea.⁵⁷

Some North Korean refugees have also made their way into Russia. Like China, Russia is also a party to both the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol also. However, there are disturbing reports that Russian authorities have forcibly repatriated North Korean refugees. For example, in 1999, seven North Korean refugees entered Russia from China in an apparent attempt to seek eventual resettlement in South Korea. They had apparently left China because they were concerned about their safety if they remained there. However, despite the fact that the refugees had indicated that they were North Koreans and expressed profound fear of retaliation if they were repatriated, Russian authorities handed the refugees over to Chinese authorities, who subsequently repatriated them to North Korea. The whereabouts of at least one of these refugees remains unknown.⁵⁸

Some observers contend that if the Chinese are pushed too hard on the issue of North Korean refugees, they may close their border altogether and/or expel all North Koreans. Nonetheless, the current situation is unconscionable. The U.S. government should urge the Chinese and Russian governments, in accordance with their international commitments, to recognize as refugees those North Koreans who have fled the DPRK. The United States should also urge these governments not to continue their policy of forcibly repatriating North Korean refugees. In addition, the U.S. government should strongly urge the Chinese government to cooperate fully with the UNHCR.

9. The U.S. government should urge the Chinese government to allow South Korean and international NGOs greater access to northern China and greater capacity to serve the needs of North Korean refugees.

The Commission has met with the representatives of many South Korean and international NGOs that have a presence in northeastern China along the Sino-DPRK border. Many of these NGOs are providing much-needed humanitarian assistance to North Koreans who have fled the DPRK and have chosen to reside secretly in China under the constant fear of repatriation. These NGOs are providing important services to the refugees, many of whom are unfamiliar with the Chinese language and customs. The U.S. government, in concert with other governments, should urge the Chinese government to allow international NGOs, especially

South Korean groups, greater access to this part of China and more capacity to serve the acute needs of the refugees there.

III. Advancing Human Rights Through Official Contacts

The United States currently has no diplomatic relations with the DPRK. Moreover, there is no official dialogue between the United States and North Korea (though at the beginning of April 2002, the North Korean government indicated a desire to resume discussions on its nuclear program⁵⁹). This severely limits the ability of the U.S. government to engage the North Korean government on concerns about protecting human rights, including religious freedom.

10. Although the U.S. government has very limited contacts with the North Korean government at the present time, it should use what contacts it does have to advance an agenda that includes the provision of humanitarian assistance, the protection of human rights, including the freedom of religion and belief, and the reuniting of Korean Americans with their family members in the DPRK.

10.a. In any discussions regarding humanitarian assistance, the U.S. government should urge the North Korean government to allow considerable expansion of both the amount of assistance and the number of providers, which should include non-governmental organizations.

10.b. With all humanitarian assistance to North Korea, the U.S. government should work to ensure that the delivery of such aid is adequately monitored. Monitors should be able to read, speak, and understand the Korean language. The United States should ensure that delivery of U.S. and other foreign aid is not misrepresented by the North Korean government through false claims that the aid is being provided by that government.

According to the State Department, between 1996 and 2001 the U.S. government contributed an estimated \$500 million in humanitarian food assistance to North Korea, making it the largest recipient of U.S. aid in Asia. During his February 2002 visit to South Korea, President Bush stated that the U.S. government, on an annual basis, has provided an average of 300,000 tons of food aid to the DPRK. Much of that aid has been channeled through the United Nations World Food Program (WFP).

The Commission has received many troubling reports that the aid has not reached its intended recipients and has been diverted for use by North Korean elites and the military. In addition, the WFP has apparently agreed to conditions of delivery that prevent monitoring by people who understand the Korean language. Although many NGO representatives maintain that a great majority of the aid has reached the intended recipients and that the WFP has done an adequate job of monitoring the distribution, the Commission urges the U.S. government to ensure that the continued delivery of food aid is conditioned upon adequate monitoring and that

the source of the aid be allowed to be accurately identified. Moreover, there should be no discrimination in the provision of aid (with regard either to the recipients or the deliverers of aid).

11. The U.S. government should work with the international community to urge the North Korean government to permit monitoring of human rights conditions by UN human rights mechanisms, and to lift restrictions on the freedom of movement by foreign diplomats, independent journalists, and others.

As discussed above, the North Korean government maintains extensive control over the flow of information out of North Korea. The State Department notes that the DPRK government “does not allow representatives of foreign governments, journalists, or other invited visitors the freedom of movement that would enable them to fully assess human rights conditions there.”⁶⁰ Moreover, the government has not responded to a request by the UN Special Rapporteur on Religious Intolerance for an official invitation to visit the country. The U.S. government should press North Korea to permit visits by relevant UN rapporteurs (for example, those on torture, arbitrary detentions, disappearances, extrajudicial executions, the right to food, and the right to education) and to grant freedom of movement to foreign diplomats and independent journalists. The United States should also encourage the North Korean government to invite the Ambassador-at-Large for International Religious Freedom and the Commission to conduct fact-finding missions, and to allow entrance and sufficient freedom of movement by humanitarian and other appropriate NGOs.

12. The U.S. government should work with the international community to urge the North Korean government to address the concerns and implement the recommendations of the UN Human Rights Committee as a result of the Committee’s recent review of North Korea’s compliance with the International Covenant on Civil and Political Rights (ICCPR).

The DPRK acceded to the ICCPR in 1981. In August 1997, however, the North Korean government indicated its intention to withdraw from the treaty in protest against a resolution of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities that criticized the government’s human rights performance. Despite this threat, North Korea submitted its report to the Human Rights Committee – the UN treaty body that monitors compliance with the ICCPR – in 2000 and participated in the Committee’s review of that report in June 2001. The Human Rights Committee, in its concluding observations to the second periodic report, expressed its concerns on a number of issues pertaining to the human rights conditions in North Korea, including the questionable independence of the judiciary, the lack of access to that country by international human rights organizations, the broadly-defined political offenses that carry the death penalty, and the reported human rights violations by prison officials, as well as the deplorable conditions in reform institutions, prisons, and prison camps.⁶¹ On religious freedom, the committee requested that the North Korean government provide updated information about the number of North Korean people who belong to religious communities as well as the number of places of worship in the country. Moreover, the committee requested information on “practical measures” that the North Korean government has taken to guarantee religious freedom.⁶²

The government of North Korea should be strongly urged to address and implement these concerns and recommendations of this UN body.

13. The U.S. government should ensure that any permanent peace treaty between the parties to the Korean War includes provisions on religious freedom and non-discrimination in the treatment of religious minorities.

The 1953 Armistice Agreement is an interim cease-fire agreement signed by the military commanders of the North Korean People's Army, the Chinese People's Volunteers, and the United Nations Command, which was represented by the commander-in-chief of the U.S. forces. The so-called "Four-Party Talks" (comprising the United States, China, the DPRK, and South Korea) have as one of its goals the conclusion of a "permanent peace treaty" that would formally end the Korean War.

There has been no significant movement on a peace treaty in the last year. The U.S. government should strongly advocate the inclusion of provisions safeguarding religious freedom and non-discrimination in the treatment of religious minorities in any permanent peace treaty. Such provisions are included, for example, in various peace treaties concluded at the end of the First and Second World Wars.

¹ Jack Rendler, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002.

² Socialist Constitution of the Democratic People's Republic of Korea, Article 11, September 1998 (<http://www.korea-np.co.jp/pk/>, accessed January 7, 2002).

³ DPRK Constitution, Article 63.

⁴ U.S. Department of State, *Country Reports on Human Rights Practices 2001*, "Korea, Democratic People's Republic of" (<http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8330.htm>, accessed April 2, 2002).

⁵ Ibid.

⁶ UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: Democratic People's Republic of Korea*, UN Doc. CCPR/CO/72/PRK, August 27, 2001.

⁷ *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ According to Mr. Thomas Shortley, U.S. Congressional Liaison Officer and Resources Officer

at the World Food Program.

¹² *2001 Country Reports*, “Korea, Democratic People’s Republic of” (Internet).

¹³ *Ibid.*

¹⁴ *The Criminal Law of the Democratic People’s Republic of Korea*, Foreign Languages Publishing House, Pyongyang, Korea (1992) Article 47.

¹⁵ Willy Fautré, “Baby-killings, a Standard Practice in North Korean Concentration Camps,” *Third International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 –10, 2002.

¹⁶ *2001 Country Reports*, “Korea, Democratic People’s Republic of” (Internet).

¹⁷ Sang-young An, *Third International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 – 10, 2002. Commission staff interview with Sang-young An, Tokyo, Japan, February 10, 2002.

¹⁸ *2001 Country Reports*, “Korea, Democratic People’s Republic of” (Internet).

¹⁹ Seung-yong Lee, “Working Towards the Resolution for North Korean Refugees in China,” *Third Annual International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 – 10, 2002.

²⁰ Young-hwa Lee, “Stepped Up Oppression on North Korean Refugees,” *Third Annual International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 – 10, 2002.

²¹ *Ibid.*

²² In June 2001, a North Korean family requested political asylum at the Beijing office of the UNHCR. According to the UNHCR, the family sought asylum after a book that criticized the North Korean regime, which was written by a family member, was published in South Korea in 2000. The family was eventually resettled in South Korea. See Editorial, “Escape from a Prison-State,” *Washington Post*, July 3, 2001. On March 14, 2002, a group of 25 North Korean refugees “stormed” through the gates of the Spanish Embassy in Beijing and demanded asylum. In addition, they reportedly threatened to commit suicide if they were repatriated to North Korea. On March 15, the Chinese government permitted the group to leave China for Manila, the Philippines. The 25 refugees were eventually resettled in South Korea. Elizabeth Rosenthal, “North Korean Storm Embassy Seeking Refuge,” *New York Times*, March 14, 2002. John Pomfret, “North Koreans End Protest at Embassy,” *Washington Post*, March 15, 2002.

²³ February 8, 2002 interview with a South Korean academic who is also affiliated with an NGO that works with North Korean refugees. He asked that his name not be disclosed.

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- ²⁴ Interview with Mr. Seung-yong Lee, Director for Research of the Good Friends, February 6, 2002, Seoul, Republic of Korea.
- ²⁵ “China Urged to Grant Refugee Status to DPRK Defectors,” *Korea Herald*, May 9, 2001. Interview with Mr. Sang-Chul Kim, November 2001, Seoul, Republic of Korea.
- ²⁶ U.S. Committee for Refugees, “Country Report: North Korea,” Worldwide Refugees Information (http://www.refugees.org/world/countryrpt/easia_pacific/north_korea.htm, accessed April 1, 2002).
- ²⁷ Stephen Linton, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002.
- ²⁸ Library of Congress, “The Role of Religion,” *Country Studies: North Korea* ([http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+kp0049](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+kp0049), accessed April 4, 2002).
- ²⁹ USCIRF, *Hearing on North Korea* (Linton written testimony).
- ³⁰ Library of Congress, “The Role of Religion,” *Country Studies: North Korea* (Internet).
- ³¹ U.S. Department of State, *Annual Report on International Religious Freedom 2001*, “Democratic People’s Republic of Korea,” 168.
- ³² Library of Congress, “The Role of Religion,” *Country Studies: North Korea* (Internet).
- ³³ USCIRF, *Hearing on Promoting Religious Freedom in North Korea* (Linton written testimony). See also Thomas J. Belke, *Juche: A Christian Study of North Korea’s State Religion* (1999).
- ³⁴ According to the Library of Congress study on North Korea, *Chondogyo* is a “syncretic religion...that contains elements of shamanism, Buddhism, Daoism, Confucianism, and Catholicism.” Library of Congress, “The Role of Religion,” *Country Studies: North Korea* (Internet).
- ³⁵ *2001 Country Reports*, “Korea, Democratic People’s Republic of” (Internet). Jaejean Suh, Euichul Choi, et. al., eds. *White Paper on Human Rights in North Korea*, Korea Institute for National Unification, (Seoul, Korea: 2001).
- ³⁶ According to a reliable South Korean source, 3,500 churches existed before the division of the Korean Peninsula. Commission interview with South Korean Protestant church leader who asked that his name not be disclosed, February 9, 2002, Tokyo, Japan.
- ³⁷ *2001 Country Reports*, “Korea, Democratic People’s Republic of” (Internet).

³⁸ Sang-Chul Kim, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002. See also *2001 Report on International Religious Freedom*, 169.

³⁹ UN Human Rights Committee, *Second Periodic Report of the Democratic People's Republic of Korea on its Implementation of the International Covenant on Civil and Political Rights*, UN Doc. CCPR/C/PRK/2000/2, May 4, 2000, ¶111.

⁴⁰ *2001 Country Reports*, "Korea, Democratic People's Republic of" (Internet).

⁴¹ Doug Struck, "Keeping the Faith, Underground," *Washington Post*, April 10, 2001.

⁴² *2001 Report on International Religious Freedom*, 169; Soon-Ok Lee, Subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee, *Hearing on Human Rights in North Korea*, April 19, 1999.

⁴³ Soon-Ok Lee, U.S. Commission on International Religious Freedom, *Hearing on Promoting Religious Freedom in North Korea*, January 24, 2002, 27.

⁴⁴ USCIRF, *Hearing on North Korea* (Lee testimony) 34-36.

⁴⁵ *2001 Report on International Religious Freedom*, 168.

⁴⁶ USCIRF, *Hearing on North Korea* (Kim testimony) 22; Commission staff interviews with South Korean Protestant church leaders, February, 2002.

⁴⁷ Interview with South Korean academic (see note 23).

⁴⁸ *2001 Report on International Religious Freedom*, 169. According to the Executive Secretary of the Christian Council of Korea, Dr. Young-Ryul Park, who was interviewed by Commission staff in Seoul in February 2002, the existence of the underground church network is denied by the North Korean government.

⁴⁹ National Coalition Government of the Union of Burma, "Declaration of Members of Parliaments Throughout the World in Solidarity with the Democratically Elected Members of the Parliament of Burma," December 2001 (<http://www.ncgub.net/campaign/International%20MP%20Declaration.htm>, accessed March 13, 2002).

⁵⁰ Norbert Vollertsen is a doctor who worked with the German medical group Cap Anamur in North Korea; Soon-Ok Lee is a former North Korean official who fled the country.

⁵¹ VOA currently broadcasts one and a half hours each day in both short wave and AM for a North Korean audience, focusing on world and U.S. news. RFA broadcasts two hours each day in short wave, also focusing on news. According to RFA officials, the broadcasting company would like to expand its broadcasts to four hours each day, and believes that switching

broadcasts from short wave to AM frequency could reach more North Koreans.

⁵² The International Religious Freedom Act of 1998 (IRFA) requires the identification of parties responsible for particularly severe violations of religious freedom in countries of particular concern. (IRFA, § 402(b)(2) (22 U.S.C. 6442(b)(2)). Section 604 of IRFA provides that government officials who are “responsible for or directly carried out” particularly severe violations of religious freedom are ineligible for visas or entry to the United States (including spouses and children of the said officials).

⁵³ Renee Montagne and Eric Weiner, “Madeleine Albright Briefs South Korean and Japanese Officials on Her Visit to North Korea,” *National Public Radio*, October 25, 2000.

⁵⁴ Amnesty International, “China: Hundreds of North Koreans Forced Back Across Border,” August 14, 2001.

⁵⁵ Elizabeth Rosenthal, “U.N Group Backs North Korean Asylum Seekers in China,” *New York Times*, March 15, 2002.

⁵⁶ Ibid.

⁵⁷ Paul Shin, “25 North Korean asylum seekers arrive in Seoul,” *Associated Press*, March 18, 2002. Shin Yong-bae, “Foreign minister promises gov’t will accept N.K. defectors in China,” *Korea Herald*, January 19, 2000. The South Korean government’s position on the refugees is also based on Article 2 of the South Korean Constitution, which implies that all North Koreans are citizens of the Republic of Korea. Article 2 states: “The territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands.” (<http://www.assembly.go.kr/english/laws/constitution/index.html>, accessed April 2, 2002).

⁵⁸ Video presentation, *Third Annual International Conference on North Korean Human Rights and Refugees*, Tokyo, Japan, February 9 –10, 2002.

⁵⁹ Howard W. French, “North Korea: Public Enemy No. 1,” *New York Times*, April 5, 2002.

⁶⁰ *2001 Country Reports*, “Korea, Democratic People’s Republic of” (Internet).

⁶¹ UN Human Rights Committee, *Concluding Observations*, August 27, 2001.

⁶² Ibid.

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, April 2002

Hon. DENNIS HASTERT
Speaker of the House
U.S. House of Representatives

DEAR MR. SPEAKER: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on the Democratic People's Republic of Korea, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss this Report, and the policy recommendations the Commission makes in it, with you.

Sincerely,

MICHAEL K. YOUNG
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, April 2002

Hon. ROBERT C. BYRD
President Pro Tempore
U.S. Senate

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MICHAEL K. YOUNG
Chair

Enclosure